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LOK SABHA

The following report of the Select Committee on the Bill further to amend the Rubber (Production and Marketing) Act, 1947, was presented to the Lok Sabha on 26th August, 1954:—

Composition of the Select Committee

1. Shri A. M. Thomas—*Chairman.*
2. Shri Amarnath Vidyalkar
3. Shri Ramananda Das
4. Shri Lalit Narayan Mishra
5. Shri A. Ibrahim
6. Shri Ram Dhani Das
7. Shri M. K. Shivananjappa
8. Shri C. R. Iyyunni
9. Shri Bheekha Bhai
10. Shri Piare Lal Kureel Talib
11. Choudhary Raghubir Singh
12. Shri Bulaqi Ram Varma
13. Dr. M. V. Gangadhara Siva
14. Shri Hira Vallabh Tripathi
15. Shri U. R. Bogawat
16. Shri Gulabshankar Amritlal Dholakia
17. Shri S. C. Deb
18. Shri M. Muthukrishnan
19. Shri Balwant Sinha Mehta
20. Shri I. Eacharan
21. Shri Sohan Lal Dhusiya
22. Shri N. C. Govindaswami Kachiroyar
23. Dr. Natabar Pandey
24. Shri R. Velayudhan
25. Shri Y. Gadilingana Gowd
26. Shri Nettur P. Damodaran
27. Shri P. T. Punnoose
28. Shri Mangalagiri Nanadas
29. Shri Sivamurthi Swami
30. Shri M. R. Krishna

31. Shri D. P. Karmarkar
32. Shri T. T. Krishnamachari.

SECRETARIAT

1. Shri M. Sundar Raj, *Deputy Secretary*.
2. Shri A. L. Rai, *Under Secretary*.

Report of the Select Committee

The Select Committee to which the Bill* further to amend the Rubber (Production and Marketing) Act, 1947, was referred, have considered the Bill and I now submit their report, with the Bill as amended by the Committee annexed thereto.

2. The Committee held five sittings in all.

3. The Committee heard the evidence tendered by the representatives of the following:—

- (1) The Rubber Growers' Association of India, Kottayam.
- (2) The United Planters' Association of Southern India, Coonoor.
- (3) The Association of Planters of Travancore, Kottayam.
- (4) The Indian Rubber Board.
- (5) The Indian Rubber Industries Association, Bombay.
- (6) Plantation Labour.

The Committee have decided to lay on the Table of the House a copy of the evidence tendered *in extenso*.

4. Twenty members of the Committee visited rubber centres in Travancore-Cochin with the permission of the Honourable Speaker in order to acquaint themselves of the problems of the industry including the extent and nature of small holdings and other allied questions. An account of the impressions of the tour is printed along with the minutes.

5. The Select Committee observe as follows on the principal changes proposed in the Bill.

6. *Clause 2.*—In order to bring the wording in the long title of and preamble to the principal Act in line with Entry 52 of List I of the Seventh Schedule of the Constitution, the Committee feel that the words "Central Control" should be substituted by the words "Control of the Union". This clause has accordingly been amended.

7. *Clause 5.*—In view of certain changes made to the Bill by the Committee, it is necessary in the opinion of the Committee to define the 'small grower'. Accordingly the 'small grower' has been defined to mean 'an owner whose estate does not exceed fifty acres in area'.

8. *Clause 6.*—The Select Committee are of the view that for the proper management of the affairs of the Rubber Board, it is necessary to have a paid Chairman appointed by the Government so that he could devote his attention fully to the problems and affairs of the Board.

*Published in Part II—, Section 2 of the Gazette of India Extraordinary, dated the 27th December, 1952.

With a view to assisting the small growers and others connected with the rubber industry, and for the purpose of the efficient functioning of the Board the Select Committee made the following suggestions:—

- (i) Small rubber growers who own estates not exceeding 50 acres in area should be given proper representation on the Rubber Board. To achieve this, out of three members to be nominated by the Government of Madras, one should represent the small growers; and out of seven members to be nominated by the Government of Travancore-Cochin, two instead of one as proposed in the Bill should be the representatives of the small growers.
- (ii) The total number of persons to be nominated by the Central Government should be reduced from eleven to ten but the number of representatives of labour amongst them should be increased from three to four. There should be no statutory obligation on the Central Government to nominate persons representing the Central Government or the Indian Council of Agricultural Research.
- (iii) The Houses of Parliament should also be represented on the Board and as such provision should be made for two members of the Lok Sabha and one of the Rajya Sabha to be members of the Board.
- (iv) In case the Central Government deputed any of their officers on the Board, he should have a right to attend the meetings of the Board and take part in the proceedings thereof but should not be entitled to vote.
- (v) The Vice-Chairman of the Board should not be appointed by the Central Government, but should be elected from amongst the members of the Board and he should perform such of the functions of the Chairman as may be prescribed or as may be delegated to him by the Chairman.
- (vi) A provision should be made for the payment of suitable allowances to members of the Board.
- (vii) The membership of the Board should not disqualify a person for being chosen as or for being a Member of either House of Parliament.

This clause has, therefore, been amended accordingly.

9. *Clause 7.*—A new provision regarding the salary and allowances payable to the Chairman and for laying down the conditions of his service has been inserted in the Bill.

The Committee feel that the Rubber Production Commissioner to be appointed under the Act should work under the directions of the Board.

They also consider that Secretary of the Rubber Board should work under the directions of the Board and that his powers and the duties to be performed by him should be prescribed or delegated to him by the Chairman and not by the Rubber Production Commissioner.

The necessary provisions as mentioned above and also a provision regarding the salaries, conditions of service etc., of the Rubber Production Commissioner and the Secretary of the Board have been incorporated in this clause.

10. *Clause 9.*—The Committee feel that it should be also within the functions of the Board to secure better working conditions for workers engaged on the rubber industry and to see that the workers are provided with sufficient amenities and incentives. The necessary provision has accordingly been made in this clause.

11. *Clause 10 (new clause).*—The Committee are of the view that occasions may arise when it is necessary for the Board either to import rubber for sale to meet the growing demands or for other purposes or to purchase it in the internal market and this Clause has accordingly been framed to provide for such contingencies.

The Committee feel that ordinarily, the Government should consult the Board before taking any action relating to the affairs of the Board; but it may not always be possible for Government to do so and it is necessary therefore to see that the orders or actions of the Government are not deemed to be invalid or called in question merely because the Board had not been consulted. A new provision to this effect has accordingly been included in the Bill.

12. *Clauses 11 and 12 (new clauses).*—In the principal Act it is provided that the funds of the Board shall be kept in such bank or invested in such manner, as may be prescribed, and shall be expended by the Board, only in the performance of its functions under this Act or for meeting such expenses as are authorised by this Act or by the rules made thereunder.

The Committee have proposed the substitution of these provisions in the principal Act by the new Clauses 11 and 12.

New Clause 11 lays down that the Board shall maintain two funds, a general fund and a pool fund.

New Clause 12 lays down in detail the constitution of the two funds and the purposes for which each of the two funds shall be used. It may be mentioned here that the 'pool fund' shall be applied only to the rehabilitation of small growers in such manner as may be prescribed.

13. *Clause 14,*

Sub-clause (b).

The Committee have re-cast this sub-clause in accordance with the provisions of the Constitution.

14. *Clauses 16 and 17 (new clauses).*—At present only an officer authorised by the Board has the power to inspect the accounts and records referred to in clause (b) of section 20 of the principal Act. The Committee feel that this power should be vested in any person authorised in this behalf by the Central Government or by the Board or any member of the Board authorised by the Chairman in writing or any officer of the Board. It is to provide for this that the new clause 16 has been inserted in the Bill.

Similarly, at present, under section 21 of the principal Act, only an officer authorised by the Board is empowered to inspect any place of storage of rubber, any estate, any place of business of a dealer or any factory or other premises of a manufacturer, for the purpose of verifying any statement or return submitted under this Act or for any other purpose of this Act. In this case also the Committee feel that this power of inspection should be vested in all those persons mentioned in clause 16 above, and have amended section 21 of the Act by new clause 17 accordingly. By this new clause the Committee have also excluded 'place of storage of rubber, any estate' from the list of places that may be inspected.

15. *Clause 18.*—This clause is intended to make certain amendments in section 25 of the principal Act which deals with the rule making powers of the Government. The Committee feel that the Central Government should have powers to make rules and lay down the principles regulating the nominations of members of the Board by the Central Government or the State Governments concerned. The Committee have, therefore, made the necessary amendment in this clause and have also provided that the respective Governments should call for panels of names from recognised associations before making the nominations.

The Committee are of the view that the rules made under this Act should be laid before both the Houses of Parliament as soon as they are made by the Central Government. Accordingly, the Committee have proposed another amendment in clause 18 for this purpose.

16. The Select Committee recommend that the Bill as amended now be passed by the House.

A. M. THOMAS,

Chairman of the Select Committee.

NEW DELHI;

The 26th August, 1954.

Minutes of Dissent

I

Clause 6(3), sub-clauses (b) to (f)

We consider the provisions empowering the Central and State Governments to nominate members to represent the various interests, instead of allowing them to choose their own representatives, both unsatisfactory and unhelpful. We hold that the Board, if it has to fulfil its vital role in the development of the Industry, should be composed of the accredited representatives of the different interests. We are also of the view that in order to minimise, if not to avoid, the adverse effects of bureaucratic grip over the Industry, elected representatives of the various interests should be there on the Board.

It must be remembered that in the Act now in force statutory rights are given for organisations of Rubber manufacturers to send in their representatives. While we do not consider it necessary to continue this statutory right to particular organisations, it is only proper that the Government should call upon representative organisations from time to time, to elect their nominees to the Board. By

accepting this suggestion, the Government could ensure that defunct or unrepresentative organisations do not find a place on the Board.

With regard to "Small Growers" we agree that Government should choose their representatives till such time as they develop their own organisation. This, we are convinced, will also give impetus for these small growers to organise.

With regard to the representation of labour, we believe that it should be given parity with the producers and also permitted to elect its men. The argument that there is a multiplicity of Trade Unions working in the Estates cannot be taken seriously because these Unions are affiliated to one or the other recognized Central Trade Unions. Therefore, it is only a matter of asking these organisations to choose their representatives. We consider this highly necessary to secure a forum for the much exploited workers in the Plantations to ventilate their grievances and also to make them feel that they are a part of a great national endeavour.

NEW DELHI;

The 26th August, 1954.

P. T. PUNNOOSE.

M. NANADAS.

II

I wish to write this dissenting note to the Bill as I find that the amending Bill does not comprehensively cover the total field of the Rubber industry in all its aspects. The body of the amending Bill only covers the reformation or reorganisation of the Rubber Board and a few other changes too are made here and there.

Previously the Rubber Board constituted as an autonomous body did not function to the satisfaction or expectation of those who are connected with the industry. In fact it did not and could not give a helping hand either to the producer, the manufacturer or the worker which forms a very important factor in any industry. This does not mean that I cast any reflection on the members who constituted the Board or the officers who were serving under the Board. The very way the Board constituted itself was from a narrow angle. The large grower, small grower and the manufacturer had not been fully satisfied with the functioning of the Board. It was a helpless witness to the exploitation of labour who were denied the elementary means of living in forest areas with all kinds of deadly diseases, without any school for their children, without proper medical facilities and without a standard wage.

As the Rubber plantations in the Travancore-Cochin State are the oldest ones, the industry requires immediate rehabilitation. Most of the small plantations are handicapped as they find it difficult to invest further finance in rehabilitating the industry. The large plantations are better organised and they invest part of the profit for reconstructing the industry. I hope the new amendment to clause 9 regarding the applicability of the Pool Fund will go a long way in rehabilitating small estates.

With regard to the functions of the Rubber Board also touched in clause 9, it is my view that the Rubber Board will not be capable

of meeting the entire requirement of the Rubber industry. In fact the fund at its disposal is meagre. Except taking up wider research in the field of the industry it cannot take up any other profitable work. The other work it is doing now should be taken up by the Central Government directly through the Ministry of Commerce and Industry.

There is discontent among the small growers who feel that the benefit from the Rubber Board is mostly enjoyed by the large scale growers. The interest of the small scale producers should be protected. In fact the large scale growers can stand on their own legs. This does not mean that the total assistance should go to the small growers.

The expansion of the industry is possible in large scale in India. India could get the mastery of this strategic material if a planned development is envisaged. The Government should exercise still further control over the industry.

The condition of the labour is another factor to be further considered by the Government. In fact, housing, medical facilities and education of the children of the labour are mostly neglected by the management. The new amendment brought in the functions of the Board with the inclusion of labour interest will enable hereafter to bring improvement in the condition of the Rubber plantation labour.

NEW DELHI:

The 26th August, 1954.

R. VELAYUDHAN.

THE RUBBER (PRODUCTION AND MARKETING) AMENDMENT BILL, 1952

(AS AMENDED BY THE SELECT COMMITTEE)

(Words side-lined or under-lined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

BILL No. 134A OF 1952

A Bill further to amend the Rubber (Production and Marketing) Act, 1947.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Rubber (Production and Marketing) Amendment Act, 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title and preamble, Act XXIV of 1947.—In the long title of, and the preamble to, the Rubber (Production and Marketing) Act, 1947 (hereinafter in this Act referred to as the principal Act),—

(a) for the words “under central control” the words “under the control of the Union” shall be substituted;

(b) the words “so far as regards the production and marketing of rubber, and for regulating export and import of rubber” shall be omitted.

3. Amendment of section 1, Act XXIV of 1947.—In sub-section (1) of section 1 of the principal Act, the brackets and words “(Production and Marketing)” shall be omitted.

4. Substitution of new section for section 2 in Act XXIV of 1947.—For section 2 of the principal Act, the following section shall be substituted, namely:—

“2. *Declaration as to expediency of Union control.*—It is hereby declared that it is expedient in the public interest that the Union should take under its control the rubber industry.”

5. Amendment of section 3, Act XXIV of 1947.—In section 3 of the principal Act,—

(a) in clause (a), the word “Indian” shall be omitted;

(b) after clause (h), the following clause shall be inserted, namely:—

“(i) ‘small grower’ means an owner whose estate does not exceed fifty acres in area.”

6. Amendment of section 4, Act XXIV of 1947.—In section 4 of the principal Act,—

(a) in sub-sections (1) and (2), the word “Indian” shall be omitted;

(b) for sub-sections (3), (4) and (5), the following sub-sections shall be substituted, namely:—

“(3) The Board shall consist of—

(a) a Chairman to be appointed by the Central Government;

* * * * *

(b) three members to be nominated by the Government of Madras, two of whom shall be persons representing rubber producing interests, one of such two being a person representing the small growers;

(c) seven members to be nominated by the Government of Travancore-Cochin, five of whom shall be persons representing the rubber producing interests, two of such five being persons representing the small growers;

(d) ten members to be nominated by the Central Government, of whom two shall represent the manufacturers and four labour; and

(e) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(f) the Rubber Production Commissioner, ex-officio.

(4) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend the meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

(5) The Board shall elect from among its members a Vice-Chairman who shall exercise such of the powers, and perform such of the functions, of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(6) The members of the Board shall receive from the Board such allowances as may be prescribed.

(7) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

7. Substitution of new sections for section 6 in Act XXIV of 1947.—For section 6 of the principal Act, the following sections shall be substituted, namely:—

"6. *Salaries and allowances of Chairman.*—The Chairman shall be entitled to such salary and allowances and be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

6A. *Executive officers of the Board.*—(1) The Central Government shall appoint a Rubber Production Commissioner to exercise such powers and perform such duties under the direction of the Board as may be prescribed.

(2) The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties under the direction of the Board as may be prescribed or as may be delegated to him by the Chairman.

(3) The Rubber Production Commissioner and the Secretary to the Board shall be entitled to such salaries and allowances and be governed by such conditions of service regarding leave, pension, provident fund and other matters as may be fixed by the Central Government.

(4) The Chairman, the Rubber Production Commissioner and the Secretary shall not undertake any work connected with their duties under this Act except with the permission of the Central Government."

8. Amendment of section 7, Act XXIV of 1947.—In section 7 of the principal Act,—

(a) sub-section (1) shall be omitted;

(b) in sub-section (2), the word "other" shall be omitted.

9. Amendment of section 8, Act XXIV of 1947.—In section 8 of the principal Act,—

(a) in sub-section (1), the words “so far as regards the production and marketing of rubber” shall be omitted;

(b) in sub-section (2), after clause (e), the following clauses shall be inserted, namely:—

“(f) securing better working conditions and the provisions and improvement of amenities and incentives for workers;

(g) carrying out any other duties which may be vested in the Board under rules made under this Act.”

10. Insertion of new sections after section 8 in Act XXIV of 1947.—After section 8 of the principal Act, the following sections shall be inserted, namely:—

“8A. *Power of the Board to import rubber for sale, or to purchase rubber, in the internal market.*—It shall be lawful for the Board with the previous approval of the Central Government to import rubber for sale, or to purchase rubber, in the internal market at such prices as the Central Government may fix.

8B. *Consultation with the Board.*—Before taking any action touching the affairs of the Board under this Act, the Central Government shall ordinarily consult the Board:

Provided that no action taken by the Central Government shall be invalid or called in question merely on the ground that the action was taken without such consultation.”

11. Amendment of section 9, Act XXIV of 1947.—In section 9 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Board shall maintain two funds, a general fund and a pool fund.”

12. Insertion of new sections after section 9 in Act XXIV of 1947.—After section 9 of the principal Act, the following sections shall be inserted, namely:—

“9A. *General fund.*—(1) To the general fund shall be credited,—

(a) all sums forming the funds of the Board immediately before the commencement of the Rubber (Production and Marketing) Amendment Act, 1954;

(b) all amounts paid to the Board by the Central Government under sub-section (7) of section 12.

(2) The general fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the costs of the measures referred to in section 8;

(c) to meet the expenditure incurred in the performance of its functions under this Act or under rules made thereunder; and

(d) for making such grants to rubber estates or for meeting the cost of such other assistance to rubber estates as the Board may think necessary for the development of such estates.

9B. *Pool fund*.—(1) To the pool fund shall be credited—

(a) all sums realized by sales of rubber imported or purchased under section 8A;

(b) any other sum which the Board may, with the previous approval of the Central Government, transfer from the general fund to the pool fund.

(2) The pool fund shall be applied only to the rehabilitation of small growers in such manner as may be prescribed."

13. Amendment of section 11, Act XXIV of 1947.—In section 11 of the principal Act, in sub-section (1), the words "after consulting the Board" shall be omitted.

14. Amendment of section 12, Act XXIV of 1947.—In section 12 of the principal Act,—

(a) in sub-section (1), for the words "at such rate as the Central Government may, on the recommendation of the Board," the words "at such rate not exceeding one anna per pound of rubber so produced as the Central Government may" shall be substituted; and

(b) after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) The proceeds of the duty of excise collected by the Board and any of the fees levied under this Act (all of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act."

15. Amendment of section 13, Act XXIV of 1947.—In sub-section (1) of section 13 of the principal Act, the words, brackets and figures "after consulting the Rubber Price Advisory Committee constituted under sub-section (1) of section 7" shall be omitted.

16. Amendment of section 20, Act XXIV of 1947.—In section 20 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

"(c) permit any person authorised in this behalf by the Central Government or by the Board or any member of the Board authorised by the Chairman in writing or any officer of the Board to inspect the accounts and records referred to in clause (b)."

17. Substitution of new section for section 21 in Act XXIV of 1947.—For section 21 of the principal Act, the following section shall be substituted, namely:—

"21. *Inspection of land and premises.*—Any person authorised in this behalf by the Central Government or by the Board or any member authorised by the Chairman in writing or any officer of

the Board may at any reasonable time inspect any place of business of a dealer or any factory or other premises of a manufacturer, for the purpose of verifying any statement or return submitted under this Act or for any other purposes of this Act."

18. Amendment of section 25, Act XXIV of 1947.—For sub-section (2) of section 25 of the principal Act, the following sub-sections shall be substituted, namely:—

"(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for all or any of the following matters, namely:—

(i) principles regulating the nominations of members of the Board by the Central Government or the State Governments concerned under clauses (b), (c) and (d) of sub-section (3) of section 4:

Provided that before making such nominations the Central Government or the State Governments concerned shall call for panels of names from the respective associations, recognised by the Central Government or the State Governments concerned, of the various interests referred to in clauses (b), (c) and (d);

(ii) the term of office of members of the Board, the circumstances in which and the authority by which members may be removed and the filling of casual vacancies in the Board;

(iii) the procedure to be followed at meetings of the Board and at committees thereof for the conduct of business, and the number of members which shall form a quorum at any meeting;

(iv) the maintenance by the Board of records of business transacted by the Board, and the submission of copies thereof to the Central Government;

(v) the holding of a minimum number of meetings of the Board every year;

(vi) the powers of the Board, its Chairman and committees thereof with respect to the incurring of expenditure and the powers and duties of the Rubber Production Commissioner and the Secretary of the Board;

(vii) the conditions subject to which the Board may incur expenditure outside India;

(viii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(ix) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(x) the deposit of the funds of the Board in banks and the investment of such funds;

(xi) the re-appropriation of the estimated savings from any budget head to any other budget head;

(xii) the conditions subject to which the Board may borrow funds;

(xiii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiv) the delegation to committees or the Chairman or Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act;

(xv) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers and other employees of the Board;

(xvi) the travelling and other allowances of members of the Board and of committees thereof;

(xvii) the purposes for which the funds of the Board may be expended;

(xviii) the maintenance of the registers and other records of the Board and of its various committees;

(xix) the collection of any information or statistics in respect of rubber or any product of rubber;

(xx) the form of application for registration under section 10 or the cancellation of such registration, the fee payable on such applications, the procedure to be followed in granting or cancelling registration and the registers to be kept by the Board;

(xxi) the form of application for special licences under section 14 or section 17, the fees for the grant or renewal of such licences, and the forms of such licences;

(xxii) the manner in which rubber shall be graded and marketed;

(xxiii) the fee payable on appeals under section 23;

(xxiv) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

19. Amendment of section 26, Act XXIV of 1947.—Section 26 of the principal Act shall be numbered as sub-section (1) thereof, and after that sub-section as so numbered, the following sub-sections shall be inserted, namely:—

"(2) If the person committing any offence under sub-section (1) is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without

his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (2), where an offence under sub-section (1) has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.”

20. Insertion of new section 27A in Act XXIV of 1947.—After section 27 of the principal Act, the following section shall be inserted, namely:—

“27A. *Jurisdiction of courts.*—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.”

21. Omission of section 29, Act XXIV of 1947.—Section 29 of the principal Act shall be omitted.

22. Validation of certain acts and indemnity in respect thereof.—All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, rubber, during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

M. N. KAUL,
Secretary.

The following report of the Select Committee on the Bill further to amend the Coffee Market Expansion Act, 1942, was presented to the Lok Sabha on 26th August, 1954:—

Composition of the Select Committee

1. Shri R. Venkataraman—*Chairman*.
2. Shri C. R. Narasimhan.
3. Shri Birendranath Katham.
4. Shri Laisram Jogeswar Singh.
5. Shri Vyankatrao Pirajirao Pawar.
6. Shri Chandrashankar Bhatt.
7. Shri Amar Singh Sabji Damar.
8. Shri Goswamiraja Sahdeo Bharati.
9. Shri Wasudeo Shridhar Kirolikar.
10. Shri Raghavendraraao Srinivasrao.
11. Shri H. Siddananjappa.
12. Shri N. Rachiah.
13. Shri K. Sakthivadivel Gounder.
14. Shri George Thomas Kottukapally.
15. Shri N. Somana.
16. Shri Hem Raj.
17. Shri P. C. Bose.
18. Shri Nayan Tara Das.
19. Shri Bhagwat Jha 'Azad'.
20. Dr. Satyanarain Sinha.
21. Shri Gajendra Prasad Sinha.
22. Shri Baij Nath Kureel.
23. Shri Vishwanath Prasad.
24. Shrimati Ganga Devi.
25. Seth Achal Singh.
26. Shri Har Prasad Singh.
27. Shri Badshah Gupta.
28. Shri K. G. Wodeyar.
29. Shri R. N. Singh.
30. Shri K. A. Damodara Menon.
31. Shri K. Ananda Nambiar.
32. Shri M. D. Ramasami.
33. Dr. D. Ramchander.
34. Shri Y. Gadilingana Gowd.
35. Dr. Indubhai B. Amin.
36. Shri D. P. Karmarkar.
37. Shri T. T. Krishnamachari.

SECRETARIAT

Shri M. Sundar Raj, *Deputy Secretary*.

Shri A. L. Rai, *Under Secretary*.

Report of the Select Committee

The Select Committee to which the Bill* further to amend the Coffee Market Expansion Act, 1942, was referred, have considered the Bill and I now submit their Report, with the Bill as amended by the Committee annexed thereto.

2. The Committee held five sittings in all.

3. The Committee heard the evidence tendered by the representatives of the Indian Coffee Board, Bangalore, and the United Planters' Association of Southern India, Coonoor. The Committee decided to lay on the Table of the House a copy of the evidence tendered *in extenso*.

4. The Select Committee observe as follows upon the principal changes proposed in the Bill:—

5. *Clause 2.*—In order to bring the wording in the clause in line with Entry 52 of List I of the Seventh Schedule of the Constitution of India, the Committee feel that the words “Central control”, should be replaced by the words “control of the Union”. The clause has accordingly been amended.

6. *Clause 6.*—The Select Committee are of the view that for the proper management of the affairs of the Coffee Board, it is necessary to have a paid Chairman appointed by the Government so that he could devote his attention fully to the problems and affairs of the Board.

The Committee also feel that it is necessary for the development of the coffee industry in the country, that special attention is paid to the Robusta coffee growers.

With a view to assisting the small growers and others connected with coffee production and marketing, the Select Committee are of the view that—

- (i) small coffee growers who own less than 50 acres of coffee estate should be given proper representation on the Coffee Board;
- (ii) a “curer” representing coffee trade interests should be nominated on the Board;
- (iii) the number of representatives of labour on the Board should be increased to four;
- (iv) three persons should represent the interest of consumers instead of two on the Board;
- (v) the number of persons to be nominated by the Government under clause 6, should be increased to three in order to enable the Government to nominate an economist or other competent persons on the Board.

*Published in Part II—Section 2 of the *Gazette of India Extraordinary*, dated the 13th May, 1954.

Accordingly, suitable amendments have been made in this clause at the appropriate places.

The Committee feel that membership of the Coffee Board should not debar a person from being elected member of Parliament. In view of this sub-section (5) to section 4 of the principal Act has been inserted in this clause.

7. *Clause 8 (new clause).*—The Committee are of the view that while ordinarily Government may be required to consult the Board before taking any action relating to the affairs of the Board, occasions may arise when Government may not be in a position to do so, and provision to validate such action is, therefore, necessary. The new clause 7A has accordingly been inserted in the Bill.

8. *Clause 21.*—This clause is intended to make certain amendments in Section 48 of the principal Act which deals with the rule making powers of the Government. The Committee have amended this clause so as to provide for the laying of the Rules made by Government under Section 48 of the principal Act as soon as may be after they are made, before both the Houses of Parliament.

9. The Committee feel that, sub-clause (d) which was proposed to be inserted in Section 32 of the principal Act by original clause 18 of the Bill is more in conformity with Section 31 of the principal Act, and that it should therefore be added to original clause 17 of the Bill, and original clause 18 thereof should therefore be deleted. Suitable amendments to the various clauses affected thereby have been accordingly made in the Bill.

10. The Select Committee recommend that the Bill as amended now be passed by the House.

NEW DELHI;

R. VENKATARAMAN,

The 26th August, 1954.

Chairman of the Select Committee.

Minutes of Dissent

I

We are sorry that we are unable to accept some of the important amendments embodied in the Bill, as recommended by the Select Committee, and are constrained to record a note of dissent.

2. In the first place, there does not appear to be any urgency or necessity for this amending Bill. At any rate, it would have been better if this Bill were considered after and in the light of the recommendations of the Plantations Enquiry Committee Report.

3. Secondly, under the Coffee Market Expansion Act, 1942, which is now sought to be amended, the Government of India have ample powers to regulate and control the activities of the Indian Coffee Board. There is also enough scope, under the Act, for the Government of India to initiate through the representative of the Ministry of Commerce and Industry on the Board any measure they deem necessary. Further, under the Act, in the constitution of the Board members nominated by Government, Union or State, outnumber

those elected by the coffee growers' associations. The Indian Coffee Board, as constituted under the Act, has been working very satisfactorily, efficiently and responsibly, and has succeeded in a remarkable degree in expanding Coffee acreage and increasing production by restoring stability and confidence to the industry.

4. Judged from all reasonable points of view, the amending Bill appears to be an unnecessary and undesirable interference with the democratic and elective principles underlying the constitution and working of the Board under the Act. To say the least, the provision in the Bill for the appointment of a whole time paid Chairman for the Board, and the provision for the nomination of members to represent various interests of the Coffee industry, particularly the interest of the growers, are most undemocratic and retrograde steps for which there is absolutely no justification of any kind, except the determined will of the Government to have practically autocratic powers over the affairs of the Board and take away the growers' right of free expression and determination in matters which affect them very vitally. Generally, nomination makes the nominee a supporter of the Government. It is fair and just that the producers, who surrender the whole of their produce to the Board, should be allowed to have their interests safeguarded by their elected representatives, who command their confidence and respect. If the Coffee industry is to develop, the willing and free co-operation of the growers is quite essential.

5. Coffee is not an essential food article. Its consumption in India is small. The Coffee Growers generally, have no other source of income. The cost of production is high. The yield of Coffee very much depends upon the vagaries of the monsoon. Unless the grower is assured of a reasonable income over his cost of production, he will not be able to purchase the necessities of life for himself and his family. It works as a great hardship on the Coffee growers, if only Coffee is subjected to stringent control while all other essential commodities are left untouched. The cost of production of Coffee must be determined fairly and impartially.

6. The practice of clothing the Chairman of the Board with executive powers, which the amending Bill provides for, is highly injurious to the interests of the Coffee industry. For a proper and efficient working of the Board it is necessary that the Chairman and the Chief Executive Officer should be separate persons.

7. Taking the above factors into consideration, we are of the strong opinion that the Chairman of the Board must be elected by the members of the Board from among themselves, that he should have no executive powers and that the various interests of the Coffee industry should have elected representatives on the Board, particularly so in the case of growers' interest.

8. We are glad that the Select Committee have thought fit to recommend the insertion of a new section 6A, after section 6 in the principal Act, to provide for consultation with the Board before the Government takes any action touching the affairs of the Board. But the advantage gained by this provision is taken away by the proviso appended to that section 6A. In our view this proviso should be deleted.

9. The question of granting financial aid to deserving Coffee estates out of the funds collected under the Bill is very important. And we hope the Government will evolve very sound principles for the beneficial use of this fund.

NEW DELHI;

The 26th August, 1954.

K. G. WODEYAR,

H. SIDDANANJAPPA.

N. SOMANA.

II

I find myself unable to agree with the report of the Select Committee on two points.

1. The principal Act provides that the Chairman of the Board shall be elected by the Board from among the members of the Board. This provision is now sought to be amended. The Select Committee are of the view that for the proper management of the Board, it is necessary to have a paid Chairman appointed by the Central Government. This change will only serve to bureaucratised the Board and will not in any way make the Board more efficient or more capable of serving the interests of the Coffee industry. The Board, ever since its constitution in 1940, has shown a fine record of work and the Coffee industry has steadily advanced under its careful control and supervision. The fact that the Board has an elected Chairman did not in anyway hamper this progress. I am, therefore, of the view that the Chairman should continue to be elected from among the members of the Board. When the Chairman is made the Chief Executive Officer as contemplated now, there is the danger of the Government delegating, in effect, their discretionary powers also to the appointed Chairman. To-day if there is a difference of opinion between the elected Chairman and the Chief Marketing Officer the Ministry has to apply its mind to the matter and give proper directions. I see no reason why this wholesome safeguard should now be given up.

2. I cannot also agree to the proposal that the representatives of Coffee growers on the Board should be nominated. The principal Act provides for their election by accredited planters' associations in different Coffee growing areas. It is contended that the small growers' interests will not be adequately safeguarded if representatives are elected and that the Coffee Board will be dominated by big growers who will not generally look to the interests of the consumers. Both these fears are to a great extent imaginary. So far as the work of the Board is concerned, there is hardly any conflict between the small growers and the big growers. Evidence given before the Select Committee has shown that the Board as at present constituted had always taken care to give a fair deal to the small producer. It is also not necessary to give up election in order to give representation to small growers. This can be done by proper rules.

As has been pointed out by the representatives of growers in their evidence before the Select Committee the grower has to surrender his entire produce to the Coffee Board. He has, therefore, a right to demand that his chosen representative goes to the Board to voice his demands and protect his interests. The conflict of interests between the producer and consumer should not also be made an argument for denying elective representation to the growers. Representatives of the growers are only a minority on the Board and theirs cannot be the controlling voice in the deliberations of that body. Moreover, the primary purpose for which the Board was constituted was to protect the grower and to encourage him to expand the industry. There is hardly any necessity for a Board of this nature to safeguard the interests of the consumer. This can be done by price control measures for which the Government have already adequate powers. I, therefore, feel that coffee growers must be allowed to elect their own representative to the Board and the Bill must be amended accordingly.

K. A. DAMODARA MENON.

NEW DELHI;

The 26th August, 1954.

THE COFFEE MARKET EXPANSION (AMENDMENT)

BILL, 1954

(AS AMENDED BY THE SELECT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.)

BILL NO. 23A OF 1954

A Bill further to amend the Coffee Market Expansion Act, 1942.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Coffee Market Expansion (Amendment) Act, 1954.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title and preamble, Act VII of 1942.—In the Coffee Market Expansion Act, 1942 (hereinafter referred to as the principal Act),—

(a) in the long title, for the words and figures “to continue the provision made under Ordinance No. XIII of 1940 for assistance to the coffee industry by regulating the export and sale of coffee and by other means,” the words “to provide for the development under the control of the Union, of the coffee industry” shall be substituted; and

(b) in the preamble, for the words “to continue the provision made under the Coffee Market Expansion Ordinance, 1940, for assistance to the coffee industry by regulating the export and sale of coffee and by other means,” the words “to provide for the development under the control of the Union, of the coffee industry” shall be substituted.

3. Amendment of section 1, Act VII of 1942.—In sub-section (1) of section 1 of the principal Act, for the words "Coffee Market Expansion Act", the words "Coffee Act" shall be substituted.

4. Substitution of new section for section 2 in Act VII of 1942.—For section 2 of the principal Act, the following section shall be substituted, namely:—

"2. Declaration as to expediency of Union control.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the coffee industry."

5. Amendment of section 3, Act VII of 1942.—In section 3 of the principal Act,—

(i) in clause (a), the word "Indian" shall be omitted;

(ii) after clause (a), the following clause shall be inserted, namely:—

"(aa) 'Chairman' means the Chairman of the Board";

(iii) for clause (n), the following clause shall be substituted, namely:—

"(n) 'year' means the period of twelve months beginning with the first day of August and ending with the thirty-first day of July next following."

6. Amendment of section 4, Act VII of 1942.—In section 4 of the principal Act,—

(i) in sub-section (1), for the words 'Indian Coffee Board', the words 'Coffee Board' shall be substituted;

(ii) for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) The Board shall consist of —

(i) a Chairman to be appointed by the Central Government;

(ii) one person to represent the State of Coorg, to be nominated by the Chief Commissioner of that State;

(iii) one person to represent the Government of Mysore, to be nominated by that Government;

(iv) one person to represent the Government of Madras, to be nominated by that Government;

(v) one person to represent the Government of Travancore-Cochin, to be nominated by that Government;

(vi) four persons to represent the coffee growing industry in Coorg, to be nominated by the Chief Commissioner of Coorg;

(vii) four persons to represent the coffee growing industry in Mysore, to be nominated by the Government of Mysore;

(viii) four persons to represent the coffee growing industry in Madras, to be nominated by the Government of Madras;

(ix) three persons to represent coffee trade interests, to be nominated by the Central Government;

(x) one person to represent curing establishments, to be nominated by the Central Government;

(xi) four persons to represent labour, to be nominated by the Central Government;

(xii) three persons to represent the interests of consumers, to be nominated by the Central Government;

(xiii) three persons to represent such other interests as in the opinion of the Central Government ought to be represented, to be nominated by the Central Government.

(2A) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote."

(iii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) It is hereby declared that the office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

7. Amendment of section 5, Act VII of 1942.—In section 5 of the principal Act, the word "Indian" shall be omitted.

8. Insertion of new section 6A in Act VII of 1942.—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. Consultation with the Board.—Before taking any action touching the affairs of the Board under this Act, the Central Government shall ordinarily consult the Board:

Provided that no action taken by the Central Government shall be invalid or called in question merely on the ground that the action was taken without such consultation."

9. Amendment of section 7, Act VII of 1942.—In section 7 of the principal Act, sub-section (1) shall be omitted.

10. Substitution of new sections for sections 8 and 9 in Act VII of 1942.—For sections 8 and 9 of the principal Act, the following sections shall be substituted, namely:—

"8. Salary and allowances of Chairman.—The Chairman shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

8A. *Vice-Chairman*.—The Board shall elect from amongst its members a Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

9. *Chief Coffee Marketing Officer, Secretary and other staff*.—(1) The Central Government shall appoint an officer to be called the Chief Coffee Marketing Officer and a Secretary to the Board and may appoint a Deputy Secretary to the Board and such number of Marketing Officers as may be necessary, to exercise such powers and to perform such duties under the direction of the Board as may be prescribed.

(2) The officers appointed under this section shall be entitled to such salaries and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government."

11. *Amendment of section 11, Act VII of 1942*.—In section 11 of the principal Act, for the words "at the rate of one rupee per hundred-weight or at such lower rate as the Central Government may, on the recommendation of the Board, by notification in the Official Gazette provide" the words "at such rate not exceeding six rupees per hundred-weight as may be fixed by the Central Government by notification in the Official Gazette" shall be substituted.

12. *Amendment of section 12, Act VII of 1942*.—In section 12 of the principal Act,—

(i) for the words "one rupee" the words "six rupees" shall be substituted;

(ii) the words "on the recommendation of the Board" shall be omitted.

13. *Amendment of section 13, Act VII of 1942*.—In section 13 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The proceeds of the duty of customs and of the duty of excise and of any fees levied under this Act, (all of which shall form part of the Consolidated Fund of India) reduced by the cost of collection as determined by the Central Government, shall, if Parliament by appropriation made by law in this behalf so provides, be paid to the Board for being utilised for the purposes of this Act."

(ii) sub-section (2) shall be omitted.

14. *Amendment of section 14, Act VII of 1942*.—In section 14 of the principal Act, in sub-section (4), for the words "Chief Coffee Marketing Officer", the word "Chairman" shall be substituted.

15. *Amendment of section 16, Act VII of 1942*.—In sub-section (1) of section 16 of the principal Act, the words "after consultation with the Board" shall be omitted.

16. Amendment of section 20, Act VII of 1942.—In section 20 of the principal Act,—

(i) for the first proviso, the following proviso shall be substituted, namely:—

“Provided that nothing herein contained shall apply to coffee—

(i) shipped as stores on board any vessel or aircraft in such quantity as the Collector considers reasonable, having regard to the number of the crew and passengers and the length of the voyage or journey, as the case may be, on which the vessel or aircraft is about to proceed, or

(ii) carried as personal luggage of a passenger, not exceeding two pounds avoirdupois, or

(iii) exported by post or by air in packages containing not more than ten pounds avoirdupois, or

(iv) exported by sea as *bona fide* samples in packages containing not more than one pound avoirdupois;”;

(ii) after the first proviso as so amended, the following proviso shall be inserted, namely:—

“Provided further that the Central Government may, by order in writing, specify the quantity of coffee which shall be permitted for export during any year and where any such order is made, no coffee shall be exported from India in excess of the said quantity.”.

17. Amendment of section 25, Act VII of 1942.—In section 25 of the principal Act,—

(i) to sub-section (1), the following provisos shall be added, namely:—

“Provided that where no internal sale quotas have been allotted to estates, the Chairman may allow the owner of any estate to retain with himself for purposes of consumption by his family and for purposes of seed, such quantity of coffee as the Chairman may think reasonable:

Provided further that where the Central Government is satisfied that it is not practicable for any class of owners producing coffee in any specified area to comply with the provisions of this sub-section on account of the small quantity of coffee produced by them or on account of their estates being situated in a remote locality, the Central Government may, by notification in the Official Gazette, exempt such class of owners from the provisions of this sub-section.”;

(ii) in sub-section (4), the words ‘with the concurrence of the Chief Coffee Marketing Officer’ shall be omitted.

18. Substitution of new section for section 31 in Act VII of 1942.—For section 31 of the principal Act, the following section shall be substituted, namely:—

“31. *General fund.*—(1) To the general fund shall be credited—

(a) all amounts paid to the Board by the Central Government under sub-section (1) of section 13; and

(b) any sums transferred to the General fund under the proviso to sub-section (2) of section 32.

(2) The General fund shall be applied—

(a) to meet the expenses of the Board;

(b) to meet the cost of such measures as the Board may consider advisable to undertake for promoting agricultural and technological research in the interest of the coffee industry in India; and

(c) for making such grants to coffee estates or for meeting the cost of such other assistance to coffee estates as the Board may think necessary for the development of such estates.

(d) to meet the cost of such measures as the Board considers advisable to undertake for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India."

* * * *

19. Insertion of new section 39A in Act VII of 1942.—After section 39 of the principal Act, the following section shall be inserted, namely:—

'39A. Offences by companies.—(1) If the person committing any offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.'

20. Amendment of section 44, Act VII of 1942.—In section 44 of the principal Act, for the words from "Any member of the Board" to "may enter", the words "Any person authorised in this behalf by the Central Government or by the Board or any member of the Board so authorised by the Chairman in writing or any officer of the Board, may enter at all reasonable times" shall be substituted.

21. Amendment of section 48, Act VII of 1942.—In section 48 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) Without prejudice to the generality of the foregoing power, rules may be made providing for all or any of the following matters:—

(i) the principles regulating the nomination of members of the Board;

(ii) the term of office of members of the Board, the circumstances in which, and the authority by which, members may be removed and the filling of casual vacancies in the Board;

(iii) the procedure to be followed at meetings of the Board and at committees thereof for the conduct of business and the number of members which shall form a quorum at a meeting;

(iv) the maintenance by the Board of records of business transacted by the Board and the submission of copies thereof to the Central Government;

(v) the holding of a minimum number of meetings of the Board every year;

(vi) the powers of the Board, its Chairman and committees thereof with respect to the incurring of expenditure;

(vii) the conditions subject to which the Board may incur expenditure outside India;

(viii) the preparation of budget estimates of receipts and expenditure of the Board and the authority by which the estimates are to be sanctioned;

(ix) the maintenance of the accounts of income and expenditure of the Board and the audit of such accounts;

(x) the deposit of the funds of the Board in banks and the investment of such funds;

(xi) the re-appropriation of the estimated savings from any budget head to any other budget head;

(xii) the conditions subject to which the Board may borrow funds;

(xiii) the conditions subject to which and the manner in which contracts may be entered into by or on behalf of the Board;

(xiv) the delegation to the committee or Chairman or Vice-Chairman or members or officers of the Board of any of the powers and duties of the Board under this Act;

(xv) the staff which may be employed by the Board and the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Board;

(xvi) the travelling and other allowances of members of the Board and of committees thereof;

(xvii) the maintenance of the registers and other records of the Board and its various committees;

(xviii) the manner in which the internal sale quota of coffee estates shall be determined;

(xix) the manner in which the Board shall exercise its powers of buying and selling coffee in the Indian Market;

(xx) the appointment by the Board of agents;

(xxi) the conditions to be fulfilled by a curing establishment before a licence to operate as such can be issued;

(xxii) the form of, and the particulars to be contained in, any returns or reports to be made to the Board under this Act;

(xxiii) the form of, manner of application for, fees payable for, procedure in granting and conditions governing, the licences and permits to be issued by the Board;

(xxiv) the collection of any information or statistics in respect of coffee or any product of coffee;

(xxv) any other matter (other than any matter specified in section 15) which is to be or may be prescribed under this Act.

(3) All rules made by the Central Government under this Act shall, as soon as may be after they are made, be laid before both Houses of Parliament."

22. Validation of certain acts and indemnity in respect thereof.— All acts of executive authority, proceedings and sentences which have been done, taken or passed with respect to, or on account of, coffee during the period commencing on the 26th day of January, 1950, and ending with the date of commencement of this Act, by the Government or by any officer of the Government or by any other authority in the belief or purported belief that the acts, proceedings or sentences were being done, taken or passed under the principal Act shall be as valid and operative as if they had been done, taken or passed in accordance with law, and no suit or other legal proceeding shall be maintained or continued against any authority whatsoever on the ground that any such acts, proceedings or sentences were not done, taken or passed in accordance with law.

M. N. KAUL,

Secretary.

